

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner indicated that amended claims 1, 5-8 and 12-20 are directed to inventions that are independent or distinct from the originally claimed invention, which has been constructively elected. For the record, applicant respectfully submits in traverse that these “inventions” are not mutually exclusive of the originally claimed invention, and thus they should properly be considered species of a generic invention to which no claims are presently directed. For the purpose of expediting the prosecution of the present application, claims 1, 5-8 and 12-20 are cancelled herein.

The Examiner has listed the guidelines illustrating the preferred layout for a utility application, and the corresponding section headings. Applicant respectfully points out that Applicant has previously amended the specification to insert the appropriate section headings (see Applicant’s “Amendment ‘B’” mailed July 24, 2003). Thus, no additional amendments to the specification have been made herein.

The Examiner has further described the proper language and format for an abstract of the disclosure. Applicant respectfully submits that an appropriate abstract was previously added to the present application by amendment (see Applicant’s “Preliminary Amendment ‘A’” mailed March 3, 2003). Thus, no amendments to the abstract have been made herein.

Claims 1, 5-8 and 12-20 were rejected under 35 U.S.C. 112, first paragraph as containing new matter. For the record, Applicant respectfully submits that each of the added limitations are

properly supported by the specification originally filed as it would be understood by one of ordinary skill in the art. As stated above, for the purpose of expediting the prosecution of the present application, claims 1, 5-8 and 12-20 have been cancelled. Thus, the rejection has been rendered moot.

Claims 2-4 and 9 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,628,788 to Azizi. For the following reasons, the rejection is respectfully traversed.

Regarding claim 2, Azizi does not teach or suggest determining a threshold value serving *to limit an output signal*, as required. The teachings of Azizi are directed to a volume control for a loudspeaker unit (12). Specifically, the volume is controlled based on a momentary level of ambient noise detected, for example, in a vehicle (see col. 3, lines 11-21). Azizi does not teach limiting the level of an output signal, as in claim 2. Rather, Azizi teaches increasing the output volume of the loudspeaker as a function of the ambient noise, such that an increase in the ambient noise in the vehicle results in an increase of the volume.

In further contrast to the present invention, the microphone (13) of Azizi senses the sound signal (S) as output from the loudspeaker and ambient noise (N). The sound signal (S) is filtered out of the sensed sound signal, and only the ambient noise (N) is used to adjust the volume of the loudspeaker. Clearly, there is no teaching in Azizi of limiting an output signal, since the purpose of Azizi is to increase the output volume of the loudspeaker based on the presence of background noise. Therefore, modifying Azizi to limit (rather than increase) the volume would defeat Azizi's stated purpose (see col. 1, lines 48-50).

In summary, it is respectfully submitted that one of ordinary skill in the relevant art would not find any suggestion or motivation to modify the teachings of Azizi to limit its output signal based on its input signal, since Azizi teaches increasing an output signal to compensate for

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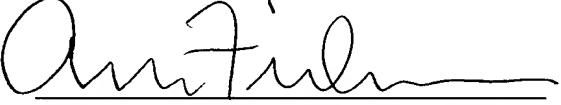
ambient noise, rather than limiting the output signal. Therefore, claim 2 and its dependent claims 3, 4 and 9 are not rendered obvious by Azizi and thus, reconsideration of the claims and withdrawal of the rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33868.

Respectfully submitted,

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